

**THE 18TH ANNUAL REPORT
OF THE**

**CRIMINAL INJURY
COMPENSATION ACT
OF BRITISH COLUMBIA**

JANUARY 1, 1989 - DECEMBER 31, 1989

Administered by the Workers' Compensation Board of British Columbia for the Ministry of the Solicitor General

THE CRIMINAL INJURY COMPENSATION ACT

Minister responsible for the Act:

**The Honourable Russell Fraser
Solicitor General
Province of British Columbia**

Agency responsible for the administration of the Act:

Workers' Compensation Board of British Columbia

Copies of this report may be obtained from:

**The Honourable Russell Fraser
Solicitor General
Parliament Buildings
Victoria, B.C.**

or from:

**Workers' Compensation Board
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Richmond, B.C.
V7C 1C6**

Telephone: 276-3129

Toll Free (in B.C.): 1-800-972-9972

28 February 1990

TO HIS HONOUR THE LIEUTENANT-GOVERNOR
IN COUNCIL OF THE PROVINCE OF BRITISH COLUMBIA

May it please Your Honour

Sir:

As required by subsection (1) of section 23 of the Criminal Injury Compensation Act, I have the honour to submit the annual report of the Workers' Compensation Board covering the period 1 January 1989 to 31 December 1989.

Yours respectfully,

A handwritten signature in cursive script, appearing to read "Bill Greer".

F.W. Greer

Acting Chairman

Workers' Compensation Board

Richmond, B.C.

LEGISLATION

The Criminal Injury Compensation Act has been in effect since July 1, 1972. It enables compensation to be provided where a person is injured or killed in British Columbia as a result of the commission of any one of 50 criminal offences set out in the schedule of the Act or where the injury or death resulted while a person was trying to arrest an offender, prevent the commission of a crime or render assistance to a peace officer.

The legislation applies in respect to all persons injured or killed in British Columbia in the above described circumstances notwithstanding that the victims may not have been residents of British Columbia at the time.

APPLICATIONS

3,169 new applications were received during the year, which when added to the 1,044 applications carried forward from the previous year, presented 4,213 claims for consideration and decision: of that number 2,805 applications were disposed of leaving 1,399 cases to be carried forward to the following year. Since the Act has been in force the Board has received a total of 19,593 applications.

Application forms are available to claimants at all Workers' Compensation Board offices located throughout the Province (see list of offices on the last page of this report). Information booklets explaining the provisions of the Act in general terms are also forwarded or given to every prospective claimant along with the application form. All completed application forms are required to be submitted to the Board's office in Richmond for further processing.

A random selection of claims processed during the year is contained in summary form on pages 18 to 24. Three decisions on actual claims have also been reproduced on pages 14 to 17 to illustrate the general format of the decision as well as the factors that are normally taken into consideration in dealing with applications under the Act.

COMPENSATION AWARDS

The Board may grant compensation in the form of a lump sum payment and /or a periodic award. The maximum lump sum payment that can be awarded in respect of the injury or death of one victim, is \$25,000.00. In appropriate cases, however, this lump sum payment can be supplemented by a periodic award within the limits prescribed by the Act. The Board is precluded from awarding compensation where the amount payable is less than \$100.00.

Compensation may be awarded for: (a) expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death; (b) pecuniary loss or damages incurred by the victim as a result of total or partial disability affecting the victim's capacity for work; (c) pecuniary loss incurred by dependants as a result of the victim's death; (d) maintenance of a child born as a result of rape; (e) replacement or repair of broken or damaged artificial appliances, clothing, eyeglasses, dentures and hearing aids; and (f) other pecuniary loss or damages including and reflecting intangible elements such as pain and suffering, loss of amenities, loss of life expectancy, etc. The Board has regard to court awards and awards granted by other jurisdictions in determining the amount of compensation to be awarded in this latter category.

Compensation may also be granted for funeral and burial expenses where such expenditures are not provided for under an Act of Canada or the Province. The Board may also furnish or provide medical, surgical, hospital, nursing and other care or treatment, transportation, medicines, crutches and apparatus, including artificial members and other rehabilitative measures to victims of crime in addition to the other compensation provided by the Act.

A total of \$8,213,410 was paid out in compensation awards in 1989. Of that total \$6,047,868 was awarded in the form of lump sum payments and \$2,165,542 was paid out in periodic awards. The latter includes ongoing payments on awards granted in prior years. Since enactment of this legislation a total of \$47,743,359 has been paid out in compensation awards.

The Province is responsible for paying all compensation and costs but, pursuant to a cost sharing agreement, which has been in effect since January 1, 1973, it recovers from the Government of Canada, except for administration costs, 25 cents per capita of the population of the Province, or 50% of the compensation paid, whichever is the lesser. For the fiscal year ending March 31, 1989 the contribution by the Federal Government amounted to \$746,000 or 25 cents per capita based on Statistics Canada population estimate of British Columbia as of June 1, 1988.

PUBLICATIONS

The experience of the Board, as well as the experience of other jurisdictions having similar compensation programs, has shown that the success of the Act depends to a large extent on informing the public of its existence. The Board tries to make the provisions of the Act known in a variety of ways. Thousands of information pamphlets outlining the provisions of the Act in general terms have been distributed to all Board area offices, hospitals, doctors, dentists, other qualified practitioners, provincial judges, police stations, employer associations, unions, schools, social workers, victim/witness agencies, and the news media, among others.

During the past year the Board was represented on radio and television shows and held meetings and discussions with various interested groups, agencies and associations. News releases regarding the compensation awards continue to be sent to every newspaper, radio and television station in the Province.

In addition to the efforts to inform the public at large, the Board encourages police officers, emergency hospital staff, physicians, other qualified practitioners and lawyers to advise victims of the benefits available under the Act.

ADMINISTRATION

The Board has experienced a tremendous increase in claims volume in recent years with the workload increasing by 24% annually in the past three years. 2,805 cases were adjudicated and finalized during the year. Awards were granted in 2,501 of these cases. The remaining 304 applicants, for a variety of reasons, were not considered to be entitled to any benefits under the Act and their applications were disallowed.

Sexual offences were the most common type of crime involved. Of the 2,501 awards that were granted during the year, 1,449 or approximately 72% of these involved sexual offences. These offences include cases involving the sexual abuse of children, in which there was a further and dramatic increase in applications in the past year. There were some 580 cases involving other assaults and this was the next most frequent category of crime (33%).

The expenditures for the year amounted to \$8,905,594. Administration costs amounted to \$692,184 or approximately 9% of that total. Additional details of these expenditures are contained on page 10 of this report.

ACKNOWLEDGEMENTS

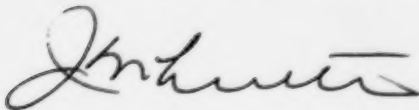
The Board would like to thank the police, doctors, dentists, other qualified practitioners, hospital staff, judges, lawyers, social workers, volunteer workers and various other persons and associations for their excellent cooperation and assistance in the administration of this Act.

The Board would also like to express its appreciation and gratitude to the news media for publicizing the benefits available under the Act.

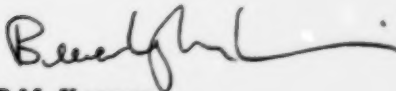
Respectfully submitted,



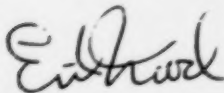
F.W. Greer
Acting Chairman



J.M. Nutter
Commissioner



B.M. Korman
Commissioner



E.W. Wood
Commissioner

STATISTICAL SUMMARIES

VOLUME OF WORK

	1972-87	1988	1989	Total to Date
Applications received	13,604	2,820	3,169	19,593
Number of awards granted	9,502	1,973	2,501	13,976
Awards paid	\$33,229,152	\$6,300,797	\$8,213,410	\$47,743,359

SUMMARY OF APPLICATIONS AND DISPOSITIONS

January 1, 1989 to December 31, 1989

Applications carried forward from prior years	1,044
Applications received in 1989	<u>3,169</u>
	<u>4,213</u>

Disposition of Applications:

(a) Applications allowed - awards granted	2,501
(b) Applications denied - awards to applicants not allowed	304
(c) Applications withdrawn/abandoned	9
(d) Applications carried forward to 1990	<u>1,399</u>
	<u>4,213</u>

Summary of awards:

(a) Number of lump sum awards granted in 1989	2,446
(b) Number of periodic awards granted in 1989	69
(c) Lump sum payments	\$ 6,047,868
* (d) Periodic payments	<u>2,165,542</u>
	<u>\$ 8,213,410</u>

*Includes ongoing payments on claims adjudicated in prior years

CRIMES INVOLVED ON AWARDS GRANTED

CAUSING BODILY HARM BY EXPLOSIVES SUBSTANCES	1
DANGEROUS USE OF FIREARMS	9
COMMON NUISANCE CAUSING HARM	10
CAUSING DEATH BY CRIMINAL NEGLIGENCE	2
CAUSING BODILY HARM BY CRIMINAL NEGLIGENCE	8
MURDER	38
MANSLAUGHTER	4
ATTEMPTED MURDER	21
SEXUAL TOUCHING OF PERSON UNDER 14	997
INVITE SEXUAL TOUCHING OF PERSON UNDER 14	27
SEXUAL EXPLOTTATION OF YOUNG PERSON	25
INCEST	3
SETTING TRAPS LIKELY TO CAUSE DEATH OR BODILY HARM	1
OPERATION UNSEAWORTHY VESSEL OR UNSAFE AIRCRAFT	1
DANGEROUS OPERATION OF VESSEL OR TOWED OBJECT	1
ABDUCTION OF PERSON UNDER 16	1
ABDUCTION OF PERSON UNDER 14	2
KIDNAPPING	2
ASSAULT	581
ASSAULT WITH WEAPON OR CAUSING BODILY HARM	153
AGGRAVATED ASSAULT	64
UNLAWFULLY CAUSING BODILY HARM	15
ROBBERY	119
SEXUAL ASSAULT	390
SEXUAL ASSAULT WITH WEAPON, THREATS TO THIRD PARTY OR	
CAUSING BODILY HARM	3
AGGRAVATED SEXUAL ASSAULT	4
INTIMIDATION BY VIOLENCE	7
MISCHIEF CAUSING ACTUAL DANGER TO LIFE	8
ARSON	4

2,501

SUMMARY OF EXPENDITURES
For the year ended 31, December 1989

Claims costs:

Awards paid	\$8,213,410
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Administration Costs:

Salaries and payroll	\$561,365	
Occupancy and other service costs	69,585	
Travel and field investigations	28,640	
Communications	8,391	
Equipment	35,533	
Supplies and stationery	5,757	
Miscellaneous	9,606	
Publications	2,652	
Less Third Party recoveries	(29,345)	692,184

Total Expenditure	<u>\$8,905,594</u>
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APPLICATIONS BY AREA

ABBOTSFORD	66	DUNCAN	30
AGASSIZ	21	DUNSTER	1
ALDERGROVE	15	ELKFORD	1
ALERT BAY	8	ENDERBY	5
ANMORE	1	ESQUIMALT	11
ARMSTRONG	5	FALKLAND	1
ASHCROFT	3	FARMINGTON	1
BARRIERE	1	FAUQUIER	4
BELLA BELLA	2	FERNIE	3
BLUE RIDGE	1	FORT FRASER	5
BLUE RIVER	1	FORT LANGLEY	2
BOSTON BAR	1	FORT NELSON	3
BOUNDARY BAY	1	FORT ST. JAMES	8
BOWSER	1	FORT ST. JOHN	16
BUICK CREEK	1	FRASER LAKE	7
BURNABY	140	FULFORD HARBOUR	2
BURNS LAKE	5	GABRIOLA ISLAND	5
BYMAN CREEK	1	GALIANO ISLAND	3
CAMPBELL RIVER	28	GANGES	3
CASSIDY	2	GARDEN BAY	1
CASTLEGAR	2	GIBSON ISLAND	3
CEDAR	1	GIBSONS LANDING	7
CHASE	4	GOLD RIVER	1
CHEMAINUS	1	GOLDEN	1
CHETWYND	9	GRAND FORKS	3
CHILLIWACK	38	GRANTISLE	3
CINEMA	1	GREENVILLE	2
CLAYBURN	1	GREENWOOD	2
CLEARBROOK	20	HANCEVILLE	1
CLEARWATER	2	HARTLEY BAY	2
CLEARWATER CREEK	1	HAZELTON	3
CLOVERDALE	13	HEDLEY	1
COLDWATER CREEK	1	HOPE	24
COLWOOD	5	HORNEY ISLAND	4
COMOX	10	HOUSTON	1
COQUITLAM	40	HUDSON HOPE	1
COURTENAY	44	INVERMERE	3
COWICHAN BAY	1	ISKUT (POST OFFICE)	1
COWICHAN LAKE	4	JORDAN RIVER	1
CRANBROOK	14	KALEDEN	1
CULTUS LAKE	3	KAMLOOPS	67
CUMBERLAND	3	KAWKAWA	1
DAWSON CREEK	14	KELOWNA	105
DELTA	38	KEMANO	3
DENMAN ISLAND	1	KEREMEOS	3
DEROCHE	2	KIMBERLEY	2
DOE RIVER	1	KITIMAT	16
DOVE CREEK	1	KITKATLA	1

APPLICATIONS BY AREA (continued)

LADNER	2	PORT ALICE	2
LADYSMITH	13	PORT COQUITLAM	18
LANGFORD	5	PORT HARDY	13
LANGLEY	48	PORT MCNEILL	3
LAVINGTON	1	PORT MCNEILL (POST OFFICE)	1
LILLOOET	6	PORT MOODY	18
LOUIS LAKE	1	PORT SIMPSON	1
LIMBY	6	POWELL RIVER	27
LUND	1	PRINCE GEORGE	108
LYTTON	2	PRINCE RUPERT	14
MACKENZIE	4	PRINCETON	4
MADEIRA PARK	2	QUEEN CHARLOTTE	1
MAHAHAT	1	QUESNEL	7
MALAKWA	1	REVELSTOKE	5
MANSON CREEK	1	RICHMOND	64
MAPLE RIDGE	64	ROBERTS CREEK	5
MASSET	1	ROBSON	1
MATSQUI	13	ROCK CREEK	1
MCHIDE	3	ROSSLAND	3
MCLEESE LAKE	1	SAANICH	10
MERRITT	20	SAANICHTON	3
MERVILLE	3	SALMO	1
MEZIADIN LAKE	1	SANDSPIT	1
MISSION CITY	46	SARDIS	2
MORICETOWN	5	SAXTON CREEK	1
NAKUSP	1	SECHLT	18
NANAIMO	148	SHAWNIGAN LAKE	2
NANOOSE BAY	2	SHOREACRES	1
NELSON	9	SICAMOUS	6
NEW DENVER	3	SIDNEY	9
NEW HAZELTON	5	SLIAMMON LAKE	1
NEW WESTMINSTER	75	SMITHERS	24
NORTH BEND	2	SOOKE	34
NORTH VANCOUVER	52	SPARWOOD	2
OAK BAY	1	SPENCES BRIDGE	1
OKANAGAN FALLS	3	SPILLIMACHEEN	1
OLIVER	4	SQUAMISH	13
OSOYOOS	1	STEWART	1
OYAMA	1	SUMMERLAND	5
PARKSVILLE	22	SUNSET BEACH	1
PAUL RIVER	1	SURREY	155
PEACHLAND	8	SWARTZ BAY	1
PEMBERTON	1	TACHIE	1
PENDER HARBOUR	1	TAHSIS	2
PENDER ISLAND	1	TELEGRAPH CREEK	1
PENTICTON	46	TELKWA	1
PITT MEADOWS	13	TERRACE	29
PORPOISE BAY	1	TOFINO	2
PORT ALBERNI	28	TRAIL	1

APPLICATIONS BY AREA (continued)

TUMBLER RIDGE	1	WHALETOWN	1
UCLUELET	2	WHALLEY	2
VALEMOUNT	2	WHISTLER MOUNTAIN	3
VANCOUVER	566	WHITE ROCK	16
VANDERHOOF	7	WHONNOCK	1
VAVENBY	1	WILLIAMS LAKE	15
VEDDER CROSSING	1	WINFIELD	6
VERNON	42	WINLAW	1
VICTORIA	215	YARROW	2
WEST VANCOUVER	6	YMIR	1
WESTBANK	6	100 MILE HOUSE	9
WESTWOLD	3		
			3,169

DECISIONS ON CLAIMS

Following are three examples of actual decisions on claims.

ILLUSTRATION NO. 1

On October 10, 1987 at approximately 2:00 a.m. the claimant, then age, 34, sustained multiple injuries when caused to fall from a motorcycle which he had been operating by the presence of a metal storm drain cover which had been deliberately tampered with and apparently set in a hazardous position on a road in North Vancouver, B.C. Police investigation indicated that one or more of the drain covers had been deliberately moved into an obstructive position on the roadway. Police subsequently questioned suspects in relation to this occurrence.

The claimant was hospitalized for five weeks following this episode with multiple injuries including contusions of the left elbow, a mild cerebral concussion, a comminuted fracture of the proximal half of the shaft of the right femur, a fracture subluxation of the right talus and ruptures of the medial and lateral collateral ligaments of the right knee and of the inferior patellar tendon of the right knee. He underwent surgery in the form of an open reduction of a subtalar dislocation of the right foot followed by an open reduction and fixation of a fractured femoral shaft. Damaged ligaments and tendon were also repaired. On December 13, 1988 he was examined by a Board doctor and interviewed by a Board investigator. The claimant states that he has undergone intermittent physiotherapy since September 1988. He states that he has pain in his right hipjoint when climbing stairs and when rising or sitting. He states that flexion of his right knee is now somewhat restricted. The medical examination revealed that he has recovered from the injuries. He is left with a minor to moderate right-sided limp as well as a 20 degree reduction of flexion of the right kneejoint. A tightly bound down scar also remains on the right patellar surface. Movement of the right ankle is also restricted. He is also left with numerous irregular scars of the left thigh, knee and ankle. In the opinion of the Board doctor he is not disabled from carrying on with most daily activities or for work as a mechanical engineer. It is considered by the Board doctor that a remaining handicap may be estimated at approximately three percent of total. No other sequelae are to be expected.

The claimant was an engineering student at the time of this occurrence. He was also employed as an engineering student and did sustain some loss of wages after commencing work in May of 1988 and due to miscellaneous attendances of medical appointments in treatment of injuries. His hourly wage at the relevant time was \$13.88. In August of 1988 his hourly wage increased to \$15.00. He has incurred a number of miscellaneous medical, hospital and doctor expenses in treatment of the

injuries as well as relatable transportation costs. These items shall be considered together with the general assessment of the award. A claim made with respect to damage occasioned to a motorcycle as a result of this incident and/or subsequent expenses incurred in relation to the motorcycle is not compensable under this Act. It is noted as well that he sustained some damage to his clothing. This too shall be considered in general assessment.

There is considered to be sufficient evidence from which to conclude that the claimant is a victim of the crime of setting traps likely to cause death or bodily harm. He is accordingly entitled to have his claim considered. Taking into account the miscellaneous medical and related expense including travel costs and damage to clothing, as well as the net loss of wages that may have been sustained due to the injuries, the nature of the injuries sustained, the pain, suffering and inconvenience occasioned thereby and the residual scars remaining, an award of \$15,500.00 is assessed to compensate the claimant in that respect.

Section 20(3) of the Act provides that the Board has full discretionary power at any time to reopen, rehear and redetermine any matter that has been dealt with by it. In the event that the claimant undergoes medical, hospital or surgical treatment at some future date necessitated specifically by these injuries and should the medical and hospital costs incurred not be otherwise payable under a medical or hospital plan, he may apply for further consideration of his claim in that regard.

Section 8(1) of the Act provides that compensation may be awarded whether or not any person is prosecuted for or convicted of the offence giving rise to the injury.

AWARD: \$15,500.00

ILLUSTRATION NO. 2

On or about December 20, 1987 at approximately 2:00 a.m. the claimant, then age 23, states that she was attacked and sexually assaulted by a male person while the claimant was in attendance at a birthday party at a private residence in Surrey, B.C. Following a criminal trial held on November 21, 1988 before a judge and jury the accused was found not guilty of charges laid in connection with this incident.

According to the police investigation report, the claimant had consumed a large quantity of alcohol during the night in question. The police state that the claimant consumed alcohol to the point that she ultimately "passed out" on a bed within the residence in question. The claimant states that when she awakened she was being assaulted by the alleged offender. The claimant states that such an incident, "has happened three times before".

The Criminal Injury Compensation Act defines a victim of crime as a person injured in the province by an act or omission of another resulting from the commission of a scheduled criminal offence. Section 4(1) of the Act further provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his or her injury, in determining whether to award compensation and the amount thereof. Under the circumstances of this case the evidence falls short of establishing that the claimant is entitled to any benefits under the Act. In this particular case, in absence of a conviction of the accused, there is a lack of evidence that the claimant was assaulted in the manner as stated by her. A jury obviously found the accused to be not guilty following a criminal trial. In any event, the claimant has contributed very substantially in the particular circumstances of this case involving her extreme intoxication to the situation in which this alleged incident was permitted to occur. This is particularly considered to be the case in the event that, as stated by the claimant, this has happened to her several times before. It is evident that by her excessive alcohol consumption and with the result that she lost consciousness the claimant had placed herself in a position of jeopardy and susceptibility to such an attack as allegedly did occur. Aside from the lack of independent evidence as well as the lack of a criminal conviction in this case the claimant is considered to have contributed toward her injuries to such a degree as to disentitle her to any award of compensation.

NO AWARD

ILLUSTRATION NO. 3

On June 17, 1988 at approximately 10:00 p.m., K, then age 17, sustained an eye injury when shot with a BB pellet fired from a BB gun by a male acquaintance in a deserted area in the vicinity of Canoe, B.C. According to police investigation K and several friends had been using one or more BB guns in the area and had been "playing" with the guns. The police indicate that at one point K had pointed an unloaded BB gun in the direction of the other party. In retaliation this individual then pointed a second BB gun at K at which point the weapon discharged. The responsible party stands charged with dangerous use of a firearm in relation to this event.

K was hospitalized following this incident for five days with injuries described as a BB pellet wound of the left eye with penetration into the left orbit and globe and resulting in a shearing injury to the inferior eye wall and a retinal hemorrhage. He underwent surgery during which the orbit of the left eye was explored. The remainder of the hospital stay was uneventful. Post-operatively left visual acuity was found to be of the order of 20/100. This gradually improved to 20/30 and with the presence of "blindspots" near the point of fixation. A report from a specialist in ophthalmology indicate the loss of approximately 50%

of central vision in the left eye. In the opinion of the specialist this visual loss will not be recovered further. It is considered that K has otherwise recovered fully from the injuries and no other sequelae are to be expected.

K was not employed at the time of this incident. There is no claim for loss of wages. He incurred a number of miscellaneous out-of-pocket expenses. These include \$164.85 in ambulance expense, \$10.17 in drug account and \$60.29 in transportation costs. A claim made with respect to the cost of long distance telephone calls is not compensable under this Act.

There is considered to be sufficient evidence from which to conclude that K is a victim of crime within the meaning of the Act. He is accordingly entitled to be compensated in respect of the injuries received in this incident. An award of \$235.31 is assessed with regard to the above enumerated items of expenditure.

Section 4(1) of the Act further provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his or her injury, in determining whether to award compensation and the amount thereof. While the actions of the offender cannot in any way be condoned it is noted that K had also engaged in a form of "horseplay" in which he had pointed a weapon in the direction of the offender. This resulted in the offender pointing his weapon at K as a form of apparent retaliation. While the offender's behaviour is not to be condoned it is determined that K had by his own actions contributed to some extent in the circumstances in which this incident took place. It is considered that to some degree K has contributed toward the injuries and that contribution shall be taken into account in the assessment of the award.

Taking into consideration K's contribution toward the injuries, the nature of the injuries sustained, the nature and degree of the pain and suffering occasioned thereby and the residual and permanent loss of left visual acuity remaining, an additional award of \$5,000.00 is assessed to compensate K in that respect.

Section 3(2)(c) of the Act provides that payment of compensation may be made to any person who, in the opinion of the Board, is best qualified to administer the payment on behalf of a victim.

REDUCED AWARD

EXAMPLES OF ALLOWED CLAIMS

881001 A 58-year-old male was attacked, beaten, kicked and robbed on a parking lot in Prince George, B.C. Culprits have not been identified or apprehended. Victim required hospital emergency treatment and subsequent dental care for injuries including multiple facial contusions, a laceration of the forehead, a nasal fracture and dental damage. AWARD: \$2,319.99 (drug costs - \$7.84, ambulance expense - \$7.00, dental restoration costs - \$130.15, clothing damage - \$25.00, pain and suffering, etc. - \$2,150.00)

881688 An 82-year-old female was attacked without warning and struck in the face by an unidentified person in the area of victim's residence in Langley, B.C. Victim required conservative medical treatment from a physician for multiple contusions and abrasions of the face. AWARD: \$2,307.50 (repairs to eyeglasses - \$7.50, pain and suffering, etc. - \$2,300.00).

882001 A 38-year-old female was attacked and beaten by one or more assailants who had broken into her home in Squamish, B.C. One culprit was charged with assault with a weapon and breaking and entering. Victim hospitalized for five days with injuries including multiple contusions and lacerations, a closed head injury and a fractured mandible. Victim subsequently suffered a grand mal seizure. This occurred on one occasion only. Victim did not require surgery for the mandibular fracture. AWARD: \$4,297.19 (ambulance cost - \$70.00, drug expense - \$27.19, pain and suffering, etc. - \$4,200.00).

881602 A 67-year-old female was attacked, beaten and slashed in the face with a sharp object during a robbery incident at a location in Kamloops, B.C. Culprit charged with aggravated assault. Victim required nine days hospitalization with injuries including multiple contusions and lacerations of the neck and face, a fracture of the left zygoma, a suspected facial nerve injury and a laceration of the left eyeball. The eyeball laceration was surgically repaired as was the zygomatic fracture. Victim has been left with permanent loss of vision in her left eye. AWARD: \$14,064.51 (ambulance cost - \$35.00, drug expense - \$14.51, clothing damage - \$15.00, pain and suffering, etc. \$14,000.00).

882010 A 45-year-old male sustained fatal injuries when attacked, beaten and robbed on a street in Vancouver, B.C. Culprits were apprehended and charged with murder. Application is made by the deceased's widow on behalf of herself and deceased's two children born respectively on July 11, 1983 and September 2, 1984. Deceased was employed at a hotel at the time of his death. AWARD: Funeral and related costs \$2,984.54; loss of pecuniary benefit to widow - \$7,500.00 lump sum plus \$460.00 per month and continuing until her death or remarriage; to the children, \$150.00 per month to each child and continuing until age 18 and continuing thereafter if child in regular attendance at academic, technical or vocational school until attaining age 21.

881219 A 28-year-old male was stabbed with a knife by his intoxicated brother at a residence in Pemberton, B.C. Offender pleaded guilty to a charge of aggravated assault. Victim required hospitalization for three weeks. His injuries included a stab wound to the left flank of the abdomen resulting in lacerations of the colon, spleen and left kidney. Several operative procedures were required. Victim recovered fully from the injuries. AWARD: \$3,660.00 (clothing damage - \$60.00, pain and suffering, etc. - \$3,600.00).

881894 A 43-year-old male was attacked, punched, kicked and robbed in a bar in New Westminster, B.C. Offender apprehended and charged with robbery and aggravated assault. Victim required hospitalization for two weeks with injuries including fractures of the left zygoma, maxilla, orbital floor and nose. Several surgical procedures were undertaken. Victim has recovered from injuries but is left with some facial disfigurement including facial flattening and scarring. AWARD: \$6,407.25 (drug expense - \$31.36, dental repair costs - \$136.90, clothing damage - \$35.00, medical cost - \$3.99, loss of wages, pain and suffering, etc. - \$6,200.00).

881341 A 29-year-old male was attacked and beaten at his residence in Vancouver, B.C. Two culprits were charged with assault causing bodily harm. Victim required hospitalization for several days with injuries including multiple contusions of the face, a displaced oblique fracture of the left mandibular angle and dental damage. Following surgical reduction the fracture became infected. Victim required additional hospitalization for eight days followed by an additional surgical reduction due to failure of the first. Victim required long term convalescence and has been left with a totally anaesthetic chin. AWARD: \$24,000.00 (loss of wages, pain and suffering, etc.).

881064 A 27-year-old female makes application in respect of numerous incidents occurring over a period of years until 1977 during which she was physically and sexually abused, threatened and harassed by her father at locations including the family residence in Victoria, B.C. Following police investigation culprit was charged with assault. Victim did not require medical treatment for contusions, abrasions and "bloody noses". She has received some therapy due to the psychological trauma resulting from these occurrences. Victim was traumatized to the point that further counselling may be needed. AWARD: \$4,400.00 (pain and suffering, etc.) plus coverage of the costs of psychotherapy necessitated by the occurrences.

89434 A 34-year-old female sustained injuries when struck by bullet fragments fired through a door by a mentally deranged man at a residence in Prince George, B.C. Victim's brother sustained fatal injuries as a result of the same shot. Culprit apprehended and charged with murder. Victim required treatment at hospital emergency ward for multiple puncture wounds of the right thigh, left elbow and forearm. Victim fully recovered from the injuries although some bullet fragments have been left in place. Award: \$1,600.00 (pain and suffering, etc.).

89251 A 22-year-old male was attacked and beaten outside of a hotel in Squamish, B.C. Culprit was apprehended and charged with assault. Victim did not require medical treatment for injuries including multiple facial contusions. A mild facial scar remains due to the attack. AWARD: \$544.00 (cost of replacement eyeglasses - \$144.00, pain and suffering, etc. - \$400.00).

89439 A 47-year-old female was attacked and sexually assaulted by a male acquaintance at her residence in Oak Bay, B.C. Culprit charged with aggravated sexual assault. Victim required treatment at hospital emergency ward for multiple contusions, a facial laceration and a severe anxiety state. Victim recovered from the physical injuries but suffered from anxiety for a considerable time following the incident. AWARD: \$5,962.00 (clothing damage - \$162.00, loss of wages, pain and suffering, etc. - \$5,800) provision made for coverage of psychotherapy if undertaken by victim.

89254 A 66-year-old female was attacked and shot with a shotgun in the left leg by her estranged husband at their residence in Nelson, B.C. The culprit was convicted of aggravated assault. Victim required hospitalization for seventeen days. Her injuries included a gunshot wound of the left knee joint with penetration of between 100 and 200 pellets into soft tissues above and below the knee and into one of the left hand fingers. She has been left with a permanent restriction in movement of the left knee joint. AWARD: \$9,048.90 (hospital costs - \$3.50, ambulance expense - \$35.00, drug costs - \$10.40, loss of wages, pain and suffering, etc. - \$9,000.00).

89617 A 38-year-old male sustained injury when attacked and bitten by a Pitt Bull Terrier dog at a residence in Nanaimo, B.C. Police investigation concluded that the dog was vicious and a danger to anyone that came into its proximity. Due to a lack of evidence identifying the owner criminal charges were not laid. Victim required medical treatment for a dog bite of the left upper leg. Victim recovered from the injury uneventfully. AWARD: \$415.00 (clothing damage - \$15.00, pain and suffering, etc. - \$400.00).

891590 Application is made on behalf of a 4-year-old female in respect of an incident occurring in April 1989 during which victim was attacked, physically abused and locked in a closet by a female youth who was a babysitter at victim's family's residence in Burnaby, B.C. Due to youth and circumstances of the offender, no criminal charges were pursued. Victim received conservative medical treatment for multiple contusions and an anxiety state. AWARD: \$1,800.00 (pain and suffering, etc.). Provision also made for coverage of psychotherapy such as may in future be required by victim.

882548 A 61-year-old female was attacked, struck from behind and knocked to the ground during a purse snatching incident on a street in Vancouver, B.C. Culprit has not been identified or apprehended. Victim required hospitalization for three days with injuries including multiple contusions and abrasions and a fracture dislocation of the left humerus. She required surgery to treat the fracture dislocation. Victim has recovered from the injuries although she is left with a partially frozen left shoulder and is limited to activity with this limb below shoulder level. AWARD: \$6,500.00 (pain and suffering, etc.).

89946 A 43-year-old male sustained injury in a fall while pursuing a man who had committed a theft at a nearby store in Langley, B.C. The culprit was not identified. Victim who was attempting to apprehend an offender is a victim of crime under the Act. Victim saw a physician and received conservative treatment for multiple contusions and abrasions. AWARD: \$1,400.00 (pain and suffering, etc.).

891497 A 22-year-old male sustained injuries when struck by glass fragments from a window of a car in which victim was riding as a passenger on a street in North Vancouver, B.C. The incident occurred when the window was struck deliberately by a male offender. Charges of assault and mischief were laid. Victim required treatment at hospital emergency ward for multiple lacerations of the face. Victim is left with a minor scar of the left cheek. AWARD: \$1,650.00 (loss of wages, pain and suffering, etc.).

891833 A 22-year-old female was attacked and sexually assaulted by her former boyfriend at a residence in Mission, B.C. The culprit was charged with sexual assault. Victim required treatment at hospital emergency ward for multiple contusions and abrasions and an anxiety state. Victim recovered from the injuries. AWARD: \$3,700.00 (therapy costs - \$700.00, pain and suffering, etc. - \$3,000.00).

89626 A 33-year-old male was attacked and beaten with a baseball bat near victim's residence in Enderby, B.C. Culprit has not been identified. Victim required hospitalization for injuries described as multiple contusions of the arms, legs and trunk and a fractured mandible. Victim recovered uneventfully from the injuries. AWARD: \$3,613.38 (medical costs - \$113.38, pain and suffering, etc. - \$3,500.00).

EXAMPLES OF DISALLOWED CLAIMS

891609 A 42-year-old female alleged that she was attacked and beaten about the face and head by a female person at a residence in Dawson Creek, B.C. No criminal charges were ever laid in connection with the alleged incident. According to police, claimant was in a state of extreme intoxication, had arrived as an uninvited guest at a house party hosted by the alleged offender, had behaved in a belligerent and obnoxious manner and upon being asked to leave had deliberately removed her shoe with which she had struck and broken a window of the residence. No award was granted as claimant was considered to have contributed by her own behaviour toward her own injuries to such a degree as to disentitle her to any amount of compensation.

89805 Application is made on behalf of a 24-year-old male who sustained fatal injuries when shot by a male acquaintance in a parked car in Surrey, B.C. According to police investigation the deceased was an active participant in trafficking in illicit drugs. The shooting occurrence arose directly in connection with an illicit drug transaction and a resulting debt owed by the deceased to the suspect. No award was granted as this incident arises directly and specifically in connection with the illicit drug trade. Compensation is not payable in any circumstances involving participation in the illicit drug trade.

89462 A 39-year-old male alleges that he was the recipient of a number of telephone and mail threats from an unknown person which were received by claimant at his residence in Burnaby, B.C. No criminal charges have ever been laid in connection with the alleged occurrences. According to police investigation, police were unable to substantiate that any threatening telephone calls had ever been received. Police concluded that claimant was not a credible witness and that the allegations concerning threats were a fabrication. No award was granted as there was no evidence in support of claimant's story.

882076 A 27-year-old male alleges that he received injury while fleeing from his residence after being confronted by nine intruders who had broken into his suite in Chilliwack, B.C. No criminal charges have been laid in connection with the incident. According to police the claimant's complaint of an alleged break-in is completely unfounded. Claimant is believed to have been under the influence of a drug and to have been "hallucinating" at the time of the alleged incident. No award was granted as there is no evidence that this incident occurred as stated by claimant or at all.

881340 An 18-year-old male alleges that he was attacked, punched in the face and knocked to the ground at a house party at a residence in Crofton, B.C. No criminal charges were laid in connection with the alleged incident. Claimant admits that he has no personal recollection of this event. Eyewitnesses indicate that claimant was seen to start a fight in which claimant was observed to strike the first blow. No award was granted as claimant has contributed toward his own injuries to such an extensive degree as to disentitle him to any award of compensation.

881066 A 23-year-old male alleges that he was attacked, beaten, kicked and robbed on a street in Vancouver, B.C. Claimant did not report the alleged incident to police until two days after it occurred. According to hospital records claimant had advised hospital staff of a completely different story to account for this event. According to hospital records claimant advised that he had been injured due to having been involved in a fight in a bar which caused him to fall on his left shoulder. No award was granted as claimant not a credible witness and is determined to have received his injuries in a fight.

881703 A 20-year-old female alleges that she was attacked and slashed with a knife in a parked car in Vancouver, B.C. No criminal charges have ever been laid. Investigation indicates that claimant was acting in the capacity of a prostitute at the time of this alleged occurrence, had agreed to accompany the alleged offender to perform a sexual service for an agreed sum of money and had become involved in a fight or confrontation with this person prior to the performance of the sexual service. Claimant is not considered to be entitled to compensation in light of her lack of a full and frank disclosure of the true circumstances surrounding this incident. She has also contributed toward her own injuries by her own behaviour to such an extensive degree as to disentitle her to any award of compensation.

881915 A 30-year-old male alleges that he was shot in the foot with a rifle by a hunting companion in the vicinity of Lumby, B.C. No criminal charges were laid in connection with the incident. According to police the incident took place as an accident while claimant's companion was handling a rifle and during which time it discharged accidentally. No award was granted as claimant is not considered to be a victim of crime under the Act. The incident took place as an unfortunate accident and did not involve a criminal act.

882407 Application is made on behalf of a 9-year-old female in respect of an alleged incident in which the female was attacked by a male youth and thrown against a parked car. No criminal charges have been pursued. According to police investigation and hospital records this incident did not occur in the manner as stated by claimant. Investigation indicates that the female person was injured due to an accident when she fell while playing with other children. No award was granted as there was no evidence that a crime was committed with respect to this incident.

882054 A 15-year-old male alleges that he was attacked and bitten by a dog on a street in Port Moody, B.C. No criminal charges have been laid in connection with the incident. According to police investigation the incident did not involve a vicious or dangerous animal. The occurrence was found to have taken place as a random dog bite by a neighbourhood dog. No award was granted as there was considered to be insufficient basis from which to conclude that claimant is a victim of crime under the Act.

891042 Application is made on behalf of a 4-year-old female in respect of an alleged incident involving a sexual assault of the female by her father at the family residence in Sooke, B.C. No criminal charges were laid in connection with the alleged incident. According to investigating police there was no evidence in corroboration of the allegation of sexual assault. The police concluded that the complaint with respect to this alleged occurrence is "unfounded". No award was granted as there was insufficient evidence from which to conclude that the child was a victim of crime under the Act.

89882 Application is made by a 62-year-old female in respect of an incident occurring at a residence next door to the applicant's home in Vancouver, B.C. In March of 1988 the son of the neighbour committed suicide. The applicant was subsequently involved in consoling members of the deceased's family during initial police investigation. No award was granted as it is not considered that claimant is a victim of crime under the Act. Circumstances involving the death by suicide of a person does not fall within the list of crimes contained in the schedule of the Act.

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